

REMARKS

The interview with examiner Chin Shue on February 1, 2005 is acknowledged with appreciation. The examiner's interview summary is accurate as to what transpired at the interview.

Formal drawings are filed under separate cover letter with this amendment.

Claim 10 is canceled without prejudice or disclaimer of the subject matter therein.

Claims 1, 2, 4, 6-9, 11, 13-15 and 17 are amended.

At the interview it was discussed that the above amendments to claims 1, 9 and 11 overcome the 35 U.S.C. 112, first paragraph rejection. The amendment to claims 2 and 13 overcome the 35 U.S.C. 112, second paragraph rejection.

Claim 6 was rejected as anticipated by Gibson (U.S. Patent No. 6,390,238). As discussed at the interview, Gibson '238 does not disclose a step ladder comprising a frame ... alignment means for aligning the front leg and the rear leg when the frame arrives in the collapsed position following pivotable movement of the rear leg relative to the front leg from the opened position to the collapsed position, and a lock.... Gibson's alignment structure does not perform the same function, in the same way and have the same result as, and is not equivalent to, applicant's disclosed alignment means.

Claim 13 was rejected as anticipated by Giezendanner (U.S. Patent No. 4,448,282). As discussed at the interview, Giezendanner does not disclose first, second and third aligners as recited in claim 13.

Claim 17 was indicated as allowable if placed in independent form. Claim 17 has been amended to be in independent form.

In view of the above, it is submitted that all of the claims (Nos. 1-9 and 11-17) are in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

FEB 2 2005

A check for \$400 for two additional independent claims is submitted herewith.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-72213).

Respectfully submitted,

BARNES & THORNBURG



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